Environmental Assessment Security Operations Control Center Facility Construction Port of Albany, Albany County, NY 2009-PU-T9-K018 IJ#3

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U.S. Department of Homeland Security Federal Emergency Management Agency Region II, 26 Federal Plaza, NY, NY 10278

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LIST OF ACRONYMS & ABBREVIATIONS

ASTM American Society of Testing & Materials

CE Categorical Exclusion

CFR Code of Federal Regulations
CMP Coastal Management Program
CZMA Coastal Zone Management Act
DHS Department of Homeland Security

EA Environmental Assessment
EIS Environmental Impact Statement

E.O. Executive Order

ESA Endangered Species Act

FEMA Federal Emergency Management Agency

FIRM Floodplain Insurance Rate Map FONSI Finding of No Significant Impact

FRS Facility Registry System

HUD U.S. Department of Housing and Urban Development

MSL Mean Sea Level

MTSA Maritime Transportation Security Act of 2002

NEPA National Environmental Policy Act NGVD National Geodetic Vertical Datum NHPA National Historic Preservation Act

NPS National Park Service

NRCS National Resource Conservation Service

NYSDEC New York State Department of Environmental Conservation

NYSHPO
New York State Historic Preservation Office
OSHA
Occupational Safety and Health Administration
RCRA
Resource Conservation and Recovery Act

SIP State Implementation Plan

U.S.C. United States Code

USDA U.S. Department of Agriculture USFWS U.S. Fish and Wildlife Service UST Underground Storage Tank

1.0 INTRODUCTION

The Albany Port District Commission has applied for federal funding from the Department of Homeland Security-Federal Emergency Management Agency's (DHS-FEMA) Port Security Grant Program to construct a new Security Operations Control Center at 106 Smith Boulevard, Albany, Albany County, NY 11202. The new facility would be located at the entrance to the port terminal to enhance the ability of the Albany Port District Commission to carry out the mission to enforce security requirements. The facility would house communication systems to improve coordination with other local agencies to respond to natural disasters, terrorist threats, and other emergency needs. Construction of the new facility would involve demolition of two existing pre-fabricated metal buildings located at the proposed site, relocation of an existing trailer, and demolition or potential re-use of the existing operation center modular office facility. The Albany Port District Commission has applied as a sub-grantee for financial assistance. The Port Authority of New York and New Jersey serves as the grantee for the proposed funding. The proposed project is referenced as subgrant application 2009-PU-T9-K018 IJ#3.

FEMA is required as a federal agency to evaluate the potential environmental impacts of its proposed action, and alternatives to the proposed action, in order to make an informed decision in defining a proposed project for implementation. FEMA must consider and incorporate, to the extent practicable, measures to avoid, minimize or mitigate adverse impacts to the human environment. The environmental analysis is conducted in compliance with the National Environmental Policy Act (NEPA), and its implementing regulations at 40 CFR Parts 1500-1508 and FEMA's regulations at 44 CFR Part 10. FEMA evaluates financial assistance projects prior to grant approval.

In accordance with 44 Code of Federal Regulations (CFR) for FEMA, Subpart B, Agency Implementing Procedures, Part 10.9, a Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Projects was prepared and a Finding of No Significant Impact (FONSI) was issued in July 2010, pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). This Tiered Site-Specific Environmental Assessment (SEA) is being prepared in accordance with the July 2010 PEA. The focus of this Tiered SEA is on those areas of concern requiring additional discussion or analysis that are beyond the scope of the PEA.

This Environmental Assessment serves as documentation of FEMA's analysis of the potential environmental impacts of the proposed security operations control center construction project, including analysis of project alternatives, and identification of impact minimization measures. The document serves as written communication of the environmental evaluation for public and interested party comment. Public involvement is a component of NEPA to inform an agency's determination of whether to prepare an Environmental Impact Statement (EIS) or issue a Finding of No Significant Impact (FONSI).

2.0 PURPOSE AND NEED

The purpose of the Port Security Grant Program is to provide for activities which help to enhance the security and safety of ports in the United States. The purpose of the proposed project is to enhance security at the Port of Albany with the construction of a new Security Operations Control Building. The need for the project is to address port and waterway security vulnerabilities, and to implement plans to meet Maritime Transportation Security Act of 2002 (MTSA) (PL107-295) requirements.

The MTSA addresses port and waterway security. This Act requires vessels and port facilities to conduct vulnerability assessments and develop security plans that may include passenger, vehicle and baggage screening procedures; security patrol; establishing restricted areas; personnel identification procedures; access control measures; and/or installation of surveillance equipment so that the nation's ports can better identify and deter threats. The vulnerabilities of ports are many, leading to potential security breaches in almost all aspects of shipping industry. Local and state governments hold the responsibility of providing security to its port(s).

New York State has recently increased their interest in revitalizing the Erie and Champlain Canal Systems for moving commercial products via water. Recent improvements such as replacing wharfs, extending rail lines and expanding heavy lift equipment has resulted in an increased amount and variety of cargo arriving at and leaving the Port. Increased cargo movement increases the potential of a security breach at the port as well as surrounding geographical areas, thus it is critical to upgrade the existing security operations to protect the port and surrounding communities.

3.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES CONSIDERED

The following alternatives are being considered:

3.1 ALTERNATIVE 1: NO ACTION

If no federally funded project were implemented, the Albany Port District Commission would not construct a new security building, and programs and services would continue within the existing facilities. The existing facility at the Port consists of a trailer with limited space for employees and equipment. Security services offered at the Port of Albany include:

- On-site Department of Protection,
- Inspection Office
- Approved MTSA security facility plan, and
- Fumigation services

This No Action Alternative would not bring the Port into compliance with MTSA standards.

3.2 ALTERNATIVE 2: CONSTRUCT A NEW SECURITY OPERATIONS CONTROL CENTER (PROPOSED ACTION)

The scope of work for the proposed project would include demolition of two pre-fabricated metal buildings, and movement or demolition of two trailer/modular office spaces to clear the site for construction of a new 40° x 100° building to house the Security Operations Control Center. The building would be located at the main entrance to the Port of Albany terminal and would replace the existing security trailer that is currently there for this purpose. The new facility would connect to existing utility lines. The proposed project would also include relocation of electronic security equipment to the new facility including the command console, video wall comprising 6 flat panel LCD monitors, Digital Video Surveillance recorders, and access control server used to manage all access control to the restricted areas of the Port of Albany.

The two metal, pre-fabricated structures were historically used as U.S. Coastguard stations. Presently, one is being utilized by the Seaman's Ministry, an international organization that cares

for the personal, professional, and spiritual needs of mariners. The Seaman's Ministry operation would be relocated to another facility.

3.3 PRELIMINARY ALTERNATIVES REJECTED FROM FURTHER CONSIDERATION

Two additional alternatives were considered and dismissed due to their inability to provide adequate or efficient security at the Port. These include construction of a security building in a location other than the main gate, and construction of a smaller facility. Given that the majority of freight either enters or leaves the port via the main gate, construction of a security building at another location is prohibitive to providing adequate or efficient security for the Port. Additionally, construction of a smaller facility would result in the need to locate MSTA required security training/drills, storage of electronics and shipping and receiving in different locations across the Port. This would not be beneficial to meet the desired security goals. Therefore, these options were rejected from further consideration as viable alternatives to the proposed action.

4.0 ENVIRONMENTAL SETTING AND POTENTIAL IMPACTS OF THE PROPOSED ACTION AND ALTERNATIVES CONSIDERED

4.1 GENERAL SITE DESCRIPTION

The existing and proposed Security Operations Control Center facilities site is located at 106 Smith Boulevard, Albany, Albany County, NY 11202 (Latitude 42 ° 37'35" N/Longitude 73°45'28" W). Site location maps and photographs are presented in Appendix A. The proposed building site is located on a flat, developed floodplain area approximately 500 feet inland of the west shore of the Hudson River. The site exists as predominantly impervious cover with only a small lawn turf area in vicinity to the pre-fabricated metal buildings. The site exists as an active port area with operations of equipment, cranes, and shipping and truck transportation vehicles. The Port Authority Administrative Office Building is located across Smith Street. The two buildings would be about 120 feet apart when the operations center is constructed.

Table 1 on Page 7 summarizes potential impacts of the No Action and Proposed Action alternatives, and the following sections provide a more detailed description of the affected environment and potential environmental impacts of the No Action and Proposed Action Alternatives.

4.2 GEOLOGY, SEISMISCITY, AND SOILS

Albany County contains parts of two major physiographic regions; the Hudson-Mohawk Lowlands and the Helderberg Mountains. The Port of Albany is located within the Hudson-Mohawk Lowlands region which follows the rivers north and west and are south of the Adirondack Mountains. The region is about 10 to 30 miles in width. The terrain at the Port is relatively flat. To the southwest topography becomes high and hilly where the Helderberg Escarpment marks the beginnings of the Catskill Mountains.

The climate of the area is generally described as a humid continental climate, with cold, snowy winters, and hot wet summers. Albany receives around 36.2 inches of rain per year and snowfall can be significant from Nor'easters and Alberta clippers. Severe thunderstorms are common but tornadoes are rare.

TABLE 1 **Summary of Potential Environmental Impacts for Evaluated Alternatives**

Resource	No Action Alternative	Proposed Action
Geology, Seismicity, and	No impact.	No significant impact.
Soils		The existing UST would be removed following regulations in 6NYCRR Part 613.9(b).
Land Use	No impact.	No impact.
Air Quality	No impact.	No significant impact. Minor, temporary impact associated with dust and particulate matter during construction.
Water Quality	No impact.	No significant impact. Best Management Practices would be used during construction for sedimentation and erosion control.
Wetlands	No impact.	No impact.
Floodplain Management	No impact.	The proposed building would be elevated or flood-proofed to an elevation at or above the Base Flood Elevation (BFE) for the 100-Year Floodplain, to minimize risk of damage to the structure during potential future flooding events. The applicant is responsible to coordinate the project with the local floodplain management administrator, and potentially elevate or flood-proof to higher elevation based on state or local requirements that could include freeboard (higher elevation) above BFE. The proposed construction would not induce flooding on downstream or upstream structures or communities
Coastal Resources	No impact	No impact.
Biological Resources – Fish & Wildlife Habitat	No impact.	No impact.
Cultural Resources	No impact.	No Historic Properties Affected.
Visual Resources	No impact.	No impact
Socioeconomics	Potential negative effect due to risk of security breach, and potential risk of impact to shipping or Port jobs.	Positive impact in enhancing port security for protected commerce.
Environmental Justice	No impact.	No adverse impact on neighboring low-income and minority populations.
Public Health & Safety	Negative impact due to continued vulnerability of Port operations.	Proposed action benefits
Public Services & Utility	No impact.	No significant impact. Proposed new construction would utilize existing utilities.
Transportation	No impact.	Negligible traffic increase during construction. Permanent facility would not impact traffic. Proposed project enhances security for shipping operations.
Noise	No impact.	Minor, temporary noise disturbance during construction. Noise associated with operation similar to ambient shipping operations.

Most regions of New York State are characterized by a moderate level of seismicity and seismic hazard¹. The Port of Albany occurs in seismic zone C (Z=0.15) (Appendix B Figure 4) and has a seismic soil type factor of S2-1.2 on a scale of S0 (very hard rocks) to S4 (very soft soils).

Soils of the area are considered Urban Land (Appendix B Figure 3). These soils consist in areas where asphalt, concrete, buildings or other impervious materials cover more than 85 percent of the surface. In areas several feet of this fill have been placed over streams, swamps, and floodplains.

EPA and NYSDEC Environmental Mappers were reviewed to determine if the project site contained any listed air, water, waste, or land environmental contamination. According to EPA the Albany Port District Commission is listed as an inactive RCRA facility (Appendix B, Figure 1). Although other facilities are listed to occur within the Port of Albany, no other environmental concerns (air, water, land or waste) are listed within the project area. The NYSDEC Environmental Mapper did not identify the project site as containing any Remediation Sites under Brownfield Cleanup Program, Environmental Restoration Program, State Superfund Program or Voluntary Cleanup Program (Appendix B, Figure 2). One 500 gallon Underground Storage Tank for oil is known to occur within the project area. The tank is used for heating the buildings that would be demolished as part of the proposed project. Due to its size (<1,100 gallons), this tank is not registered with NYSDEC.

4.2.1 Alternative 1 – the No Action Alternative

The No Action Alternative would have no potential effects on geology, seismicity and soils because no construction will take place in a previously disturbed area.

4.2.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

The new building would be constructed in a relatively flat area. It is not anticipated that proposed grading would have any effect on the geologic stability of the property. Soil borings will be taken to determine the appropriate type of building foundation for this site. The proposed

¹ Jacob, Klaus. **MCEER Bulletin**, Volume 7, Number 2, April 1993, pages 4-5. As viewed on http://mceer.buffalo.edu/infoservice/reference_services/NYSzoneMap.asp 9-12-2011.

building would be designed and constructed to meet NYS Seismic Building Codes, and to comply with EO 12699 Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction.

The identified underground storage tank would be removed during demolition of the existing buildings. Removal activities will comply with Section 5.5 of NYSDEC's DER-10 "Technical Guidance for Site Investigation and Remediation", 6 NYCRR Part 613.9(b) and all other applicable local, state and federal requirements.

4.3 WATER RESOURCES AND FLOODPLAIN MANAGEMENT

The Hudson River is located approximately 500 feet east of the proposed project site. The project site does not contain any wetlands (Appendix B, Figure 5). The project site is predominantly impervious cover. Existing drainage patterns discharge stormwater runoff to the Hudson River. The project site is comprised of fill material of various types and depths. As a result, groundwater elevations are likely highly variable and influenced by the Hudson River. Drinking water and sewer utilities are provided by the City of Albany.

According to the National Flood Insurance Program's Flood Insurance Rate Map (Community-Panel Number 360001009C), the project site is located within the 100-Year Floodplain and is designated as Zone A12, which is within the Special Flood Hazard Area (SFHA). The Base Flood Elevation (BFE) is 20 feet (NGVD 1929) (Appendix B, Figures 6A and 6B). Federal funding requires compliance with Executive Order 11988 (Floodplain Management). Executive Order 11988 and regulation 44 CFR Part 9 require FEMA, and its grantees and sub-grantees, to evaluate all practicable alternatives for location of facilities outside the SFHA. If location is outside the SFHA is not practicable, FEMA, and its grantees and sub-grantees, must evaluate mitigation measures to reduce the impact of the structure on/by the floodplain. The alternative analysis for EO 11988 is incorporated into this EA. The Eight Step Decision-Making Process for EO11988 review is summarized in Appendix D.

4.3.1 Alternative 1 – the No Action Alternative

Because there would be no new construction under the No Action Alternative, there would be no change of impervious surfaces on the property. Additionally, there would be no potential effects to drainage patterns in the area, nor would there be any effects to the 100-Year Floodplain.

4.3.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

The proposed facility would not significantly impact water quality, as the site's existing condition is predominantly impervious cover. The stormwater runoff at the site would be collected by existing drainage infrastructure for discharge to the River. Best Management Practices would be used during construction for sedimentation and erosion control, and to handle any contaminated soil or groundwater in accordance with local, state and federal laws, regulations and executive orders. The existing water and sewer utilities are adequate for the proposed building and meet state and federal drinking water standards.

There are no practicable alternatives to locating the security operations center outside the SFHA to address floodplain management and EO 11988 compliance. The security operations must be located at the entrance gate to fulfill the project's purpose and function in the design capacity. In order to minimize risk of future floodplain damage to the new structure and to comply with EO 11988 and the National Flood Insurance Program, the non-residential facility must be elevated or flood-proofed to at or above the 100-year Base Flood Elevation. Utilizing 1984 benchmarks, the existing ground elevations at the proposed building corners are between 15.5ft and 16.9ft NGVD. Therefore, the first floor elevation, and above ground utilities, must be elevated to at/above 20ft NGVD. The Albany Port District Commission is responsible to obtain a permit/authorization for construction from a local floodplain manager through the building permit or other identified local process for approval. Additional elevation requirements (freeboard) may require elevation/flood-proof to elevation above the BFE. The sub-grantee must submit a completed Elevation Certificate of Flood Proofing Certificate to either the local or the state floodplain manager, when the facility is elevated or flood-proofed.

4.4 COASTAL RESOURCES

The proposed facility location is within the coastal zone as defined by New York State Department of State (NYSDOS), Division of Coastal Resources.

4.4.1 Alternative 1 – the No Action Alternative

The No Action alternative would have no significant adverse effect on coastal resources.

4.4.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

In accordance with the requirements of the Coastal Zone Management Act of 1972 (15 CFR Part 930), FEMA conducted a Federal Coastal Zone Consistency Review, and consulted with NYDOS in a letter dated February 22, 2011. In this consultation, FEMA certified that the proposed activity is consistent with the policies of the NYS Coastal Management Program. In a letter dated March 21, 2011, NYSDOS concurred with FEMA's finding of consistency (Appendix C). The Proposed Action would not adversely impact coastal resources.

4.5 BIOLOGICAL RESOURCES

There is minimal habitat to support fish and wildlife within the project area. The developed port area, with impervious cover, provides no habitat. The undeveloped portion of the proposed site, composed of disturbed mowed grass area, isn't suitable for foraging or nesting wildlife, but may be utilized by the occasional passerine bird or small mammal. Federal agencies must evaluate potential impacts to threatened and endangered species per the Endangered Species Act. There are four (4) federally listed threatened or endangered species for Albany County: the threatened Bog turtle (*Clemmys muhlenbergii*), the endangered Indiana bat (*Myotis sodalis*), the endangered Karner blue butterfly (*Lycaides Melissa samuelis*), and the endangered Shortnose sturgeon (*Acipenser brevirostrum*). Federal agencies must also evaluate potential impacts to bald eagle and its habitat per the Bald Eagle Protection Act. The bald eagle, *Haliaeetus leucocephalus*, may be occasionally found in the project vicinity; however there is no habitat for the bald eagle at the original or proposed site. Federal agencies must evaluate potential impacts to migratory bird habitat per the Migratory Bird Treaty Act. The site is within the North Atlantic Migratory Flyway; however, the project area does not support any migratory bird habitat at the original or proposed site.

Consultation with the NYSDEC Natural Heritage Program (Appendix C) resulted in the identification of alewife floater [Anodonta implicate (freshwater mussel)] potentially occurring in the area; however, no in-water work or discharge is anticipated with either alternative; therefore no impact would be anticipated for this state protected species.

4.5.1 Alternative 1 – the No Action Alternative

The No Action alternative would have no impact on fish and wildlife habitat, including federally listed threatened or endangered species, state listed or protected species, bald eagles or migratory bird habitat.

4.5.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

FEMA has determined that the Proposed Action alternative would have no impact on fish and wildlife habitat, including federally listed threatened or endangered species, state listed or protected species, Bald eagles or migratory bird habitat. The site offers no habitat for protected species, and the proposed building construction activity would not impact a protected species. Correspondence from the USFWS is included in Appendix C that confirms this determination of no effect.

4.6 AIR QUALITY

The proposed project is located in the Albany-Schenectady-Troy metropolitan non-attainment area and is classified as a Clean Air Act "Former Subpart 1" non-attainment for the 8-hour ozone standard. The area is classified as attainment for all other Clean Air Act criteria pollutants. The NYSDEC is required to produce a plan known as the State Implementation Plan that details how sufficient emission reductions will be achieved to attain state and federal air quality standards.

4.6.1 Alternative 1 – the No Action Alternative

The No Action Alternative would result in no effects to air quality.

4.6.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

Alternative 2 proposes construction of a 4,000 square foot facility. Although the size of the new building would be larger than the existing buildings, it is not anticipated that the additional size would result in increased stationary generators of air emissions, or long-term increases from additional vehicular traffic. Therefore, it is anticipated that the proposed action would not result in adverse impact to air quality.

4.7 TRANSPORTATION

The Port of Albany has been a historic transportation hub since the city was founded over 300 years ago. The Port is strategically located near the state's extensive canal system, major interstate highways, and railroads in the area. The extensive transportation network allows the Capital Region to be a major distribution center connecting products to major metropolitan markets in the Northeast, Canada and the Midwest.

The project is located in an industrial area with freight arriving by land, rail and water. The majority of traffic at the project site consists of 18-wheeled trucks shipping or receiving freight.

4.7.1 Alternative 1 – the No Action Alternative

The no action alternative would result in no new construction; therefore there would be no potential for increased traffic.

4.7.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

It is expected that there would be short-term increases to local traffic associated with construction vehicles. The security facility will not generate any additional traffic during operation.

4.8 NOISE

The project site is located in an industrial zoned portion of the City of Albany. The site is very active with truck traffic, ships, and rail and as a result the ambient noise levels are commensurate with the activity.

4.8.1 Alternative 1 – the No Action Alternative

There would be no impact to noise levels under the No Action Alternative.

4.8.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

Short-term noise impacts are anticipated due to operation of heavy construction equipment; however, the construction noise levels are not anticipated to be significantly above the ambient port operation noise levels. There are no sensitive receptors that would be adversely affected by the temporary construction activities.

4.9 CULTURAL RESOURCES

Since the founding of Albany in 1624, shipping has been important to its growth and prosperity. During the early years docks were built every spring and destroyed every winter by erosion, flooding, ice and tidal action. In 1932 the existing Port of Albany was constructed on both shores of the Hudson River. This allowed for a more permanent and reliable facility to facilitate shipping. Much of the land that comprises the Port is fill material.

4.9.1 Alternative 1 – the No Action Alternative

The No Action Alternative would have no potential effect on cultural resources because it would not involve the demolition or construction of any buildings.

4.9.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

FEMA performed a Section 106 consultation with New York State Historic Preservation Office (SHPO), dated March 14, 2011. FEMA determined that the proposed site is located on land with low probability for the occurrence of archaeological resources. FEMA also determined that the two metal, pre-fabricated structures, proposed for demolition, are not eligible for inclusion in the National Register of Historic Places. Based on these determinations, FEMA concluded that the proposed undertaking would not have an adverse effect on historic resources and would have no effect on historic properties. In a response dated March 23, 2011, SHPO concurred with FEMA's finding of No Historic Properties Affected. Based on these findings and a consultation with the SHPO, it is anticipated that the proposed project will not adversely impact any cultural resources.

4.10 SOCIOECONOMIC

The project area is zoned as Zone M-1 – General Industrial. Warehouses, garages, parking lots, and industrial offices are located within the area.

Data provided by NYSDEC indicate that the project is near a potentially sensitive Environmental Justice community. The community directly adjacent to the port consists of a population comprised of 97.81% minorities, and 41.55% of low-income households below the poverty line. Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

4.10.1 Alternative 1 – the No Action Alternative

The No Action Alternative will not have any impact of socioeconomic conditions of the area.

4.10.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

Alternative 2 is not expected to have a noticeable impact on the environment or land use such that there would be any impact to the residents in the area. The project site is not within a residential area nor will it have any adverse impacts on the community or its surroundings. While the nearby community is a potentially sensitive Environmental Justice community, the proposed action will not result in disproportionate adverse impact to the community. The proposed action will result in no appreciable increases in noise, traffic, or emissions. Construction of this facility will not have any impacts on public health or welfare. The project will provide additional safety and security for the Port and surrounding areas that will benefit all residents. As discussed in the Environmental Assessment, mitigation has been identified for short-term construction impacts and no operational impacts would be expected from the proposed activity.

4.11 SAFETY

4.11.1 Alternative 1 – the No Action Alternative

The No Action Alternative would not address the vulnerabilities of the port operations and risks of terrorism, as compared to the Proposed Action Alternative. This alternative has the potential to adversely impact the safety and welfare of the community by not enhancing and updating Port security.

4.11.2 Alternative 2 - Construct a new Security Operations Control Center (PROPOSED ACTION)

The proposed action will increase security at the Port and decrease the potential risk of terrorism. Increased and updated security has the potential to result in a beneficial impact to the health, safety, and welfare of the public and environment.

4.12 CLIMATE CHANGE

Climate change could potentially increase temperatures in the northeast, cause more severe weather incidents to occur, and cause sea level rise. Consideration of climate change does not change the decision-making to implement the proposed project. As stated previously, the Applicant would be required to elevate or flood-proof the new building to at/above the Base Flood Elevation for the Special Flood Hazard Area to reduce risk of future flood damage to the structure. The proposed new facility would be designed to current codes and standards to ensure the structure would be sound and able to withstand storms and seismic events.

4.13 CUMULATIVE IMPACTS

Table 1 summarizes the potential environmental impacts of the No Action and Proposed Action alternative. Neither alternative would significantly adversely impact the environment due to the cumulative assessment of potential impacts. There are no known past or reasonably foreseeable future actions in the project vicinity that would change the cumulative impact determination for the proposed action.

5.0 PERMITS AND CONDITIONS

The Albany Port District Commission is responsible to obtain all applicable permits for project implementation prior to construction, and to adhere to permit conditions. The proposed Security Operations Center Control Building will require a building permit, and associated or separate floodplain management permit/authorization. It is expected that the sub-grantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction. Occupational Safety and Health Administration (OSHA) standards would be followed during construction to avoid adverse impacts to worker health and safety.

The sub-grantee and grantee are responsible for reviewing and fulfilling any potential obligation to complete a Short Environmental Assessment Form for the proposed action per the State Environmental Quality Review (SEQR) Act (Article 8 of Environmental Conservation Law).

The proposed new building must be elevated or flood-proofed to at/above the Base Flood Elevation (20ft NGVD) to comply with EO 11988 and the National Flood Insurance Program. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The sub-grantee must also adhere to the following conditions during project implementation that were identified in the Finding of No Significant Impact, issued in July 2010, for the Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Projects:

- Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state and federal regulations. If contaminated materials are discovered during construction activities, the work will cease until the appropriate procedures and permits are implemented.
- 2. The grantee and subgrantee will follow applicable mitigation measures as identified in Section 7 of the Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Project to the maximum extent possible.
- 3. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grantee and subgrantee will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. All archaeological findings will inform FEMA immediately and FEMA will consult with the State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Officer (THPO) or appropriate Tribal official. Construction work

- cannot resume until FEMA completes consultation and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act and other applicable Federal and State regulations.
- 4. The grantee and subgrantee must meet any project-specific conditions developed and agreed upon between FEMA and with the environmental planning or historic preservation resource and regulatory agencies during consultation and coordination.

The grantee and subgrantee are responsible for obtaining and complying with all required local, State and Federal permits and approvals.

6.0 PUBLIC INVOLVEMENT

In accordance with NEPA, this Environmental Assessment (EA) Report will be released for a 15-day public review and comment period. Availability of the document for comment will be advertised by the Albany Port District Commission in the Albany Times Union. A hard copy of the EA will be made available for review at the Albany Public Library located at 161 Washington Avenue, Albany, NY 12210. An electronic copy of the EA is available for download from the FEMA website at www.fema.gov/plan/ehp/envdocuments/ea-region2.shtm. The public is invited to submit written comments by mail to Megan Jadrosich, Regional Environmental Officer, FEMA Region II, Mitigation Division, RM1337F, 26 Federal Plaza, NY, NY 10278 or via email to Megan.jadrosich@dhs.gov. If no substantive comments are received from the public and/or agency reviewers the EA will be adopted as final and a Finding of No Significant Impact will be issued by FEMA. If substantive comments are received, FEMA will evaluate and address comments as part of Final Environmental Assessment documentation.

The following agencies will receive notices of availability of the Draft Environmental Assessment:

Mr. John Bonafide New York State Office of Parks, Recreation and Historic Preservation Peebles Island, PO Box 189 Waterford, New York 12188-0189 The following is a list of federal, state, and local agencies that were consulted during the preparation of the EA:

NYSHPO NYSDEC NYSDOS-Division of Coastal Resources USFWS

7.0 CONCLUSION

During the construction period, short-term impacts to soils, surface water, transportation, air quality, and noise are anticipated. Short-term impacts will be mitigated utilizing best management practices, proper equipment maintenance, and appropriate signage. Environmental impacts of construction will also be minimized through adherence to any required building or floodplain permit/authorization conditions.

At this time, it is anticipated that the proposed action, Alternative 2, will not have any significant impact upon the human environment. FEMA anticipates that a Finding of No Significant Impact (FONSI) will be issued upon closure of the public review period. The FONSI will be made available on the FEMA website.

8.0 LIST OF PREPARERS

CHA III Winners Circle P.O. Box 5269 Albany, NY 12205-0269

FEMA Region II Office of Environmental Planning & Historic Preservation 13th Floor, 26 Federal Plaza New York, NY 10278